

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-20272

FRANCIS A. SHARRAK,

Defendant.

ORDER DENYING DEFENDANT'S "PRO SE MOTION FOR RESENTENCING . . ."

On April 30, 2012, nearly two years after his conviction for tax-related offenses, the court sentenced pro se Defendant Francis Sharrak to a seventy-two month term of imprisonment. Eight days later, Defendant filed in this court a motion for resentencing, indicating, *inter alia*, that he was mentally and physically unable to present the information he wanted to during his sentencing hearing. (Def.'s Mot. Resentencing, Dkt. # 158.) On May 21, 2012, Defendant filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit seeking appellate review of his "Conviction and all orders of the Court." (Notice of Appeal, Dkt. # 159.) "The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982); see also *United States v. Garcia-Robles*, 562 F.3d 763, 767–68 (6th Cir. 2009). Because Defendant's appeal of "all orders of the Court" necessarily includes the court's

sentencing of Defendant, the court lacks jurisdiction to adjudicate Defendant's pending motion. Accordingly,

IT IS ORDERED that Defendant Francis Sharrak's "Pro Se Motion for Resentencing . . ." [Dkt. # 158] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 21, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 21, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522